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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NATIONAL URBAN LEAGUE, *et al.*,

Plaintiff,

v.

WILBUR L. ROSS, JR., *et al.*,

Defendants.

Case No. 5:20-cv-05799-LHK

**DEFENDANTS' RESPONSE TO THE
COURT'S ORDER DATED SEPTEMBER
27, 2020, ECF No. 215**

1 Defendants respectfully submit this response to the Court's Order dated September 27,
2 2020, ECF No. 215, to address the allegations submitted to the Court, ECF No. 214.

3 As detailed in the attached declaration of James T. Christy, Assistant Director for Field
4 Operations in the Census Bureau, the Census Bureau's field operations have been proceeding
5 under the procedures the Bureau announced following the entry of the Court's September 5, 2020,
6 Temporary Restraining Order, ECF No. 84. Christy Decl. ¶ 2; *see also* ECF No. 86 at 10-11
7 (laying out field guidance). Following the issuance of the Court's September 24, 2020 Preliminary
8 Injunction Order, ECF No. 208, Mr. Christy transmitted "an email to all managers working on
9 field operations at Headquarters and in the regions" apprising those staff of their obligations under
10 the Order, and stating that enumeration would continue. Christy Decl. ¶ 3.

11 Upon receipt of the Court's Order dated September 27, 2020, and the appended screenshots
12 of communications apparently received by some enumerators in a Texas area census office, ECF
13 No. 214, Mr. Christy undertook an investigation into whether, and why, such communications
14 could have been transmitted. *Id.* ¶¶ 5-7. Mr. Christy determined that the message at issue was
15 transmitted before the supervisor in the particular office received the guidance Mr. Christy sent on
16 September 25, 2020. *Id.* ¶¶ 6-7. Mr. Christy communicated with the supervisor, and confirmed
17 that the supervisor had subsequently clarified the appropriate procedures for staff to follow in light
18 of the Court's PI Order. *Id.* ¶ 7. As Mr. Christy explains, "[t]he information reflected in the
19 communication referenced by the Court is not part of any instruction I have transmitted to the field,
20 and not consistent with my understanding of what field offices should be doing." *Id.* ¶ 5.

21 Defendants remain in the process of determining what, if any, additional operational
22 guidance may be provided to field offices following the Court's PI Order.

1 DATED: September 28, 2020

Respectfully submitted,

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9 /s/ Alexander V. Sverdlov
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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September, 2020, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing.

/s/ Alexander V. Sverdlov
ALEXANDER V. SVERDLOV